

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Douglas J. Macone, President
Assabet Sand and Gravel Company, Inc.
16 Knox Trail
Acton, MA 01720

Subject: Request for Information Pursuant to Section 308 of the Clean Water Act,
33 U.S.C. § 1318, Docket No. 308-11-133.

Dear Mr. Macone:

On August 26, 2010, the U.S. Environmental Protection Agency (“EPA”) conducted an inspection of the Assabet Sand and Gravel Company, Inc. facility (hereafter referred to as “Assabet Sand and Gravel” or “the Facility”) located at 16 Knox Trail in Acton, Massachusetts.

The federal Clean Water Act (the “CWA” or “Act”), 33 U.S.C. § 1251, *et seq.*, prohibits the discharge of pollutants into waters of the United States, except as authorized by a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. Discharges of stormwater or process wastewaters without appropriate NPDES permit authorization are violations of the CWA. Each discharge of pollutants from a point source that is not authorized by such a permit constitutes a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

Sections 308(a) and 311(m) of the CWA, 33 U.S.C. §§ 1318(a) and 1321(m), authorize EPA to require any person to provide the information needed to determine whether there has been a violation of the Act. Accordingly, you are hereby required to provide the information requested in Enclosures 2 and 3 (“Information Request” or “Request”) within **forty-five (45) calendar days** of your receipt of this letter, unless otherwise specified.

Please read the instructions and definitions in Enclosure 1 carefully before preparing your response. Answer each question as clearly and completely as possible. Please respond separately to each of the questions, referencing each question by number. Your response must include copies of all records or information that are referenced in the response. If the documentation that supports a response to one question also applies to another question, you need only to submit one copy of that documentation.

Your response to this Request must be accompanied by a certificate that is signed and dated by you or the person who is authorized by you to respond to the Request. The certification must

state that your response is complete, and contains all the information and documentation available to you that is responsive to the Request. A Statement of Certification is enclosed with this letter (Enclosure 4).

Information submitted pursuant to this request shall be sent by certified mail and shall be addressed as follows:

David Turin
U.S. Environmental Protection Agency
Mail Code OES04-3
5 Post Office Square, Suite 100
Boston MA 02109-3912

The following websites provide information on EPA's NPDES Regulations and Oil Pollution Prevention Regulations, respectively:

<http://cfpub.epa.gov/npdes/index.cfm>
<http://cfpub.epa.gov/npdes/stormwater/swbasicinfo.cfm>
<http://www.epa.gov/emergencies/content/spcc/index.htm>.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) provides small businesses the opportunity to submit comments on regulatory enforcement at the time of an Agency enforcement action. The Information Sheet (Enclosure 5) contains information regarding these rights, and describes compliance assistance that may be available to you. The Small Business Ombudsman can be reached at 1-800-368-5888. The EPA provides this information to businesses whether or not they qualify as small businesses, as defined by the Small Business Administration. Please be aware that availing yourself of this opportunity does not relieve Assabet Sand and Gravel of its responsibility to comply with applicable federal and state laws and regulations, including applicable NPDES permit requirements.

Please note that your compliance with this Request is mandatory. Failure to respond fully and truthfully, or to adequately justify your failure to do so, may result in civil penalties or criminal

fines under Section 309 of the Act, 33 U.S.C. § 1319. In addition, anyone who knowingly

submits false information may be subject to prosecution under 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response to this Request does not relieve you of any responsibility to comply with federal and state laws and regulations, or any applicable NPDES permit.

Although the information requested must be submitted to EPA, you are entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. If EPA determines that the information you have designated meets the criteria in 40 C.F.R.

§ 2.208, the information will be disclosed only to the extent and by means of the procedures

specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, EPA may make the information available to the public without further notice to you.

If you have any technical questions relating to this Request, you may contact David Turin in EPA's Water Technical Unit at (617) 918-1598 or via email at turin.david@epa.gov. If you have legal questions relating to this Request, you or your attorney may contact Edith Goldman, EPA Senior Enforcement Counsel, at (617) 918-1866.

Sincerely,

Roger Janson, Technical Enforcement Program Manager
Office of Environmental Stewardship

Enclosures: (1) Instructions
 (2) Information Request
 (3) Stormwater Discharge Monitoring Program
 (4) Statement of Certification
 (5) Information Sheet (U.S. EPA Small Business Resources)

cc: Nora Chorover